

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

FISHER SAND & GRAVEL, CO., et al.,

Plaintiffs,

v.

No. 10-cv-0635 RB/SMV

FNF CONSTRUCTION, INC., et al.,


Defendants.

ORDER DENYING FNF CONSTRUCTION, INC.'S
MOTION TO COMPEL NO. 6 [Doc. 419]

THIS MATTER is before the Court on Defendant FNF Construction, Inc.'s Motion to Compel No. 6: The Court Should Compel Plaintiff Fisher Sand & Gravel, Co. to Produce the Documents Identified in Its Fourth Privilege Log . . . [Doc. 419], filed on December 30, 2013. The motion was briefed, and the Court heard oral argument on February 20, 2014. [Docs. 421, 442, 468, 549]. The Court denied the motion in part but agreed to review the documents that remained at issue in camera to determine whether they are, indeed, protected by the attorney client privilege. [Doc. 615]. Having reviewed the disputed documents in camera, the Court FINDS that the documents are protected by the attorney client privilege and, therefore, are not subject to discovery.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Defendant FNF Construction, Inc.'s Motion to Compel No. 6: The Court Should Compel Plaintiff Fisher Sand & Gravel, Co. to Produce the Documents Identified in Its Fourth Privilege Log . . . [Doc. 419] is **DENIED**.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge